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days of receipt of the report of the opposing expert.

3. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties no later than 60 days after an order denying one or both of Defendants' motions to dismiss, and each opposing party shall respond, in writing, within 30 days of receipt of such offer. All offers of settlement are to be private, not filed, and the Court is not to be advised of the same. The parties are further ORDERED to retain the written offers of settlement and responses as the Court will use these in assessing attorney's fees and court costs at the conclusion of trial.

4. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed within 30 days of the responsive settlement offer described in the preceding paragraph.

5. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, not later than 14 days of receipt of the written report of the expert's proposed testimony or not later than 14 days of the expert's deposition, if a deposition is taken, whichever is later. **The failure to strictly comply with this paragraph will be deemed a waiver of any objection that could have been made pursuant to Federal Rule of Evidence 702.**

6. The parties shall complete fact discovery on or before March 16, 2018. The parties shall complete expert discovery on or before June 26, 2018. Counsel may, by agreement, continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

7. All dispositive motions shall be filed and served on all other parties on or before July 20, 2018. Responses shall be filed and served on all other parties not later than 14 days of the service of the motion and shall be limited to 20 pages. Any replies shall be filed and served on all other parties not later than 14 days of the service of the response and shall be limited to 10 pages,

but the Court need not wait for the reply before ruling on the motion.

**The parties shall not complete the following paragraph 8. It will be completed by the Court at the initial pretrial conference to be scheduled by the Court.**

8. This case is set for final pretrial conference, in chambers, on the 14 day of December, 2018, at H. O. M. and Ivy trial in the month of January, 2019. The final pretrial conference shall be attended by at least one of the attorneys who will conduct the trial for each of the parties and by any unrepresented parties. The parties should consult Local Rule CV-16(e) regarding matters to be filed in advance of the final pretrial conference.

SIGNED this 3rd day of January, 2018

  
LEE YEAKEL  
UNITED STATES DISTRICT JUDGE

**AGREED**

/s/ Phillip J. O'Beirne  
Phillip J. O'Beirne  
Attorney for Plaintiffs

/s/ Richard L. Brophy  
Richard L. Brophy  
Attorney for Defendants